

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

3:07CV361-3-MU

(3:03CR218-MU)

CHRISTOPHER REGINALD HINES,)

Petitioner,)

v.)

UNITED STATES OF AMERICA,)

Respondent.)

ORDER

THIS MATTER is before the Court on Petitioner's Motion for Reconsideration pursuant to Rule 59(e), filed November 9, 2009 (Document No. 63) and Petitioner's Motion to Amend, also filed on November 9, 2009 (Document No. 64). The Court notes that this is Petitioner's second motion for reconsideration. This Court denied Petitioner's Motion to Vacate by Order dated October 1, 2009 (Doc. No. 57.) Petitioner filed his first motion for reconsideration on October 21, 2009 (Doc. No. 61) which was denied by this Court on October 23, 2009 (Doc. No. 62.)

Petitioner filed this instant motion pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. Rule 59(e) states that "[a]ny motion to alter or amend a judgment shall be filed no later than 10 days after entry of judgment." In this case, this Court denied Petitioner's Motion to Vacate on October 1, 2009 (Document No. 57.) Petitioner signed and dated the instant motion on November 4, 2009 and it was filed in the Clerk's Office on November 9, 2009. Petitioner's motion for reconsideration was filed outside of the 10 day period permitted by Rule 59(e) and is denied for that reason. Moreover, this Court notes that even if Petitioner's motion were timely filed, nothing in the motion would cause the Court to alter its prior Order denying Petitioner's Motion to Vacate.

The Court has also considered Petitioner's Motion to Amend. Such motion is denied as this Court is not aware of any authority to reopen a closed case.

THEREFORE, IT IS HEREBY ORDERED that:

- (1) Petitioner's Motion for Reconsideration (Doc. No. 63) is denied; and
- (2) Petitioner's Motion to Amend (Doc. No. 64) is DENIED.

SO ORDERED.

Signed: November 17, 2009

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

